

From: Smith, Monica
To: [Jennings, Kim](#)
Cc: [Goodfellow, Bob](#); [Petersen, Chris](#); [Broyles, Ragan](#); [Ruhl, Christopher](#); [Mason, Steve](#); [Webster, Susan](#)
Subject: RE: Senator Boxer letter and questions regarding West, Texas facility incident
Date: Tuesday, May 07, 2013 1:14:00 PM
Attachments: [west boxer questions 1.8 final.docx](#)

Kim – here is our response to questions 1 and 8. Please let me know if you have any questions or need any additional information. For ease of reading this on your blackberry, I have included the text of the attached file as part of this message.

Monica

1. Describe EPA's investigation of the West, Texas facility, including timelines and scope.

2006 RMP Inspection:

EPA Region 6 conducted a Risk Management Plan (RMP) inspection at the non-title V West Chemical & Fertilizer Co. on March 16, 2006. The inspection included a walkthrough of the plant to observe the processes and the equipment, as well as a review of the facilities RMP and associated records. The inspection was conducted by one of the Region's RMP inspectors, using the National RMP Program's Level 2 inspection checklist. The checklist used included all modifications incorporated by OECA through March 14, 2005. Violations identified by the inspector included:

- failure to timely update the RMP (the update due on 2004 had not been submitted), including updating the Hazard Assessment and Hazard Review,
- failure to include consequences of deviation in operating procedures,
- failure to properly document new operator training, and
- failure to develop a formal mechanical integrity program, and failure to conduct compliance audits.

In accordance with the approved penalty policy and matrix which was in place in 2006, on June 5, 2006 the Region issued a proposed Expedited Settlement Agreement (ESA) assessing a penalty of \$2,300 to West Chemical & Fertilizer Co. West Chemical & Fertilizer submitted its updated RMP on July 7, 2006, paid the penalty and the ESA was issued final August 14, 2006.

2013 after incident investigation/inspection:

Once the property where the former West Chemical & Fertilizer Co. was located, has been released by the ATF, the Regional RMP inspectors will visit the facility, to conduct further investigations in coordination with other Federal Agencies. We will evaluate all available records and interview transcripts with regard to the 112 (r) program.

8. Describe any and all fines issues against the West facility for failing to comply with safety standards related to chemicals.

Aside from the fines associated with the violations noted through the 2006 RMP inspection, no other actions have been taken by EPA against this company for this facility.



From: Jennings, Kim
Sent: Thursday, May 02, 2013 7:22 AM
To: Broyles, Ragan; Smith, Monica; Goodfellow, Bob; Ruhl, Christopher; Haas, Craig; Mason, Steve
Cc: Stanton, Larry; Tulis, Dana; Irizarry, Gilberto; Belke, Jim; Beasley, Lynn; Matthiessen, Craig
Subject: FW: Senator Boxer letter and questions regarding West, Texas facility incident

Hi all,

We have received a letter from Senate EPW Committee Chairman Boxer which includes a series of questions regarding the West Fertilizer incident. We are working on drafting responses for these questions, but need assistance from the Region on 2 of these questions. For questions 1 and 8 we need the Region to provide a response or some draft language to incorporate into a response. The two questions are:

2. Describe EPA's investigation of the West, Texas facility, including timelines and scope.
8. Describe any and all fines issues against the West facility for failing to comply with safety standards related to chemicals.

We have a very tight deadline of May 16th for getting a response and this includes OSWER, OECA, and OGC Senior Management review. It would be helpful if we could get your response by COB next Tuesday, May 7th. If this is not doable, please let me know.

Thanks,
Kim

202-564-7998

From: Deitz, Randy
Sent: Tuesday, April 30, 2013 4:23 PM
To: Stanton, Larry; Tulis, Dana; Matthiessen, Craig; Jennings, Kim
Cc: Stanislaus, Mathy; Feldt, Lisa; Breen, Barry; Bergman, Shawna; Fine, Ellyn; Brooks, Becky
Subject: Senator Boxer letter and questions regarding West, Texas facility incident

I have attached a letter and series of questions from Senate EPW Committee Chairman Boxer regarding the West, Texas facility incident. OEM should take the lead in responding to the questions. The letter asks for final responses by Thursday, May 16. Rather than provide long lists of chemicals pursuant to some of the questions, we can provide web links if the information is

available on-line. Since we may need Regional input and OGC input, and will need OSWER IO review, we will need to factor that into the response timeline. If you have questions, please let me know. Thank you.